

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PIC Corporation,

Plaintiffs,

v.

Farbman,

Defendant.

Civil Action No. 09-4353 (SRC)(MAS)

AMENDED SCHEDULING ORDER

THIS MATTER having come before the Court on May 26, 2010 for an in-person status and settlement conference; and for other good cause shown,

IT IS on this 26th day of **May, 2010**,

ORDERED THAT:

1. Fact Discovery – Fact discovery shall close on **7/28/10**.
2. Experts –
 - a. Affirmative Expert Reports – All affirmative expert reports shall be delivered by **8/30/10**.
 - b. Responding Expert Reports – All responding expert reports shall be delivered by **9/30/10**.
 - c. Expert Depositions – All expert depositions shall be completed by **10/29/10**.
 - d. Form and Content of Expert Reports – All expert reports shall comport with the form and content requirements set forth in Fed. R. Civ. P. 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the expert's report.

3. Final Pretrial Conference –

- a. Trial Exhibits – By **11/26/10**, the parties shall exchange copies of all proposed trial exhibits. Each exhibit shall be pre-marked with an exhibit number conforming to the party's exhibit list.
- b. Joint Proposed Final Pretrial Order – The parties shall file a proposed joint Final Pretrial Order to the Court by **11/30/10**. The proposed Order shall comply with and follow the Honorable Stanley R. Chesler's Final Pretrial Order template, attached hereto. The proposed Order must include the exact headings, subheadings and instructions provided in the template. Absent this Court's explicit permission, the parties shall not change, revise nor edit the wording provided in the template.
- c. Final Pretrial Conference – A final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(d) on **12/17/10 at 10:30 a.m.** The Final Pretrial Conference shall occur even if there are dispositive motions pending. The Court will adjourn the Final Pretrial Conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment. Any such requests shall be made at least seven (7) days prior to the conference.
- d. Meet and Confer – All counsel are directed to assemble at the office of Plaintiff's counsel in New Jersey by 11/17/10 to prepare the proposed joint Final Pretrial Order in the form and content required by the Court. If additional office space is required, then counsel may assemble in the office of Defense counsel. Plaintiff's counsel shall prepare the proposed Joint Final Pretrial Order and shall submit it to all other counsel for approval and execution.
- e. Settlement Discussions – The Court expects to engage in meaningful settlement discussions at the Final Pretrial Conference. Therefore, trial counsel with full settlement authority shall attend the conference in person. Clients or other persons with full settlement authority shall be available by telephone.

4. Unless otherwise changed or revised by the terms and provisions of this Order, all remaining terms, conditions and procedures set forth in any of this Court's previous Scheduling Orders shall remain in full force and effect.

5. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY RESULT IN SANCTIONS.**

/s/ Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE